

December 18, 2009



AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
December 18, 2009

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,  
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 20, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD NOVEMBER 20, 2009?**



IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	157.....	9
Agriculture .....	440.....	17
Arts Council.....	20.....	2
Capitol Development Board .....	45.....	0
Central Management Services .....	1,463.....	116
Children and Family Services .....	3,084.....	48
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	442.....	68
Commerce Commission.....	72.....	0
Corrections.....	11,448.....	106
Criminal Justice Authority .....	58.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	9.....	1
Emergency Management Agency .....	97.....	6
Employment Security.....	1,983.....	24
Environmental Protection Agency .....	955.....	17
Financial & Professional Regulation .....	504.....	41
Gaming Board.....	84.....	7
Guardianship and Advocacy .....	112.....	7
Healthcare and Family Services.....	2,352.....	25
Historic Preservation Agency .....	204.....	12
Human Rights Commission .....	14.....	2
Human Rights Department .....	146.....	10
Human Services .....	13,817.....	76
Insurance.....	228.....	9
Investment Board.....	3.....	2
Juvenile Justice .....	1,232.....	20
Labor.....	81.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission .....	2.....	0
Military Affairs .....	124.....	3
Natural Resources .....	1,349.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	21.....	1
Public Health.....	1,117.....	44
Racing Board .....	3.....	0
Revenue .....	2,060.....	63
State Fire Marshal .....	142.....	12
State Police .....	1,370.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems .....	82.....	2
Transportation.....	2,601.....	0
Veterans' Affairs.....	1,196.....	7
Workers' Compensation Commission .....	171.....	9
<b>TOTALS .....</b>	<b>49,391.....</b>	<b>818</b>



**B. Governing Rule – Jurisdiction B Exemptions**

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  - 1. The Governor, or
  - 2. A departmental director or assistant director appointed by the Governor, or
  - 3. A board or commission appointed by the Governor, or
  - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
  
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
  - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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**C. Illinois Department of Central Management Services – Proposed Exemption**

Position Number	00501-37-06-000-01-02
Position Title	Administrative Assistant 1
Bureau/Division	Governmental Affairs
Functional Title	Assistant Legislative Liaison
Incumbent	Vacant
Supervisor	Deputy Director of Governmental Relations, who reports to the Director
Location	Springfield

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption. This position previously maintained 4d(3) exemption but was rescinded on August 21, 2009 due to extended vacancy.”

**D. Illinois Dept. of Commerce and Economic Opportunity– Proposed Exemption**

Position Number	40070-42-70-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Energy & Recycling
Functional Title	Bureau of Energy & Recycling / Energy & Economic Develop. Policy Advisor
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “This position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**WILL THE COMMISSION GRANT THE REQUESTS FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

**C: Assistant Legislative Liaison**

**D: Energy & Economic Development Policy Advisor**

December 18, 2009



V. CLASS SPECIFICATIONS

- None submitted.

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

VI. MOTION TO GO INTO EXECUTIVE SESSION

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

VII. RECONVENE MEETINGVIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

<b>Agency</b>	<b>10/31/09</b>	<b>11/30/09</b>	<b>11/30/08</b>
Aging	1	<b>1</b>	0
Agriculture	4	<b>2</b>	1
Central Management Services	1	<b>1</b>	2
Children and Family Services	11	<b>10</b>	5
Employment Security	6	<b>3</b>	7
Healthcare and Family Services	4	<b>4</b>	11
Historic Preservation	1	<b>0</b>	0
Human Services	1	<b>1</b>	1
Investment Board	0	<b>0</b>	1
Natural Resources	36	<b>18</b>	13
State Fire Marshal	1	<b>0</b>	0
State Police	0	<b>0</b>	1
State Retirement Systems	0	<b>0</b>	1
Transportation	11	<b>10</b>	6
Veteran's Affairs	0	<b>0</b>	11
Workers' Compensation Commission	0	<b>0</b>	6
<b>Totals</b>	77	<b>50</b>	66

IX. ON REMAND FROM CIRCUIT COURT

- **RULE VIOLATION**

**RV-45-08 (2008 CH 47612)**

Employee	Abasse Tall	Appeal Date	05/15/08
Agency	DCFS	Decision Date	10/28/08
Type	Rule Violation	ALJ	Andrew Barris
Allegations	Violation of Section 310.450 & 310.540 Pay Plan	Proposed Finding	Violation of Section 310.450 (b)(1); agency directed to allow employees to discuss evaluations with their immediate supervisors for future evaluations of covered employees.

**WILL THE COMMISSION AFFIRM AND ADOPT THE SUPPLEMENT TO THE FINDING AND DECISION OF THE COMMISSION DATED NOVEMBER 20, 2008 AS ORDERED BY THE CIRCUIT COURT OF COOK COUNTY IN WHICH THE CIRCUIT COURT ORDERED THE COMMISSION TO CLARIFY AND SPECIFY WHETHER THE COMMISSION IS AFFIRMING AND ADOPTING ALL THE “FINDINGS OF FACT” AND “CONCLUSIONS OF LAW” IN THE LETTER (PROPOSED FINDING) OF OCTOBER 28, 2008 THAT IT REFERENCES, INCLUDING THAT PLAINTIFF WAS CONSIDERED AN “EXEMPT” EMPLOYEE AND THE APPLICATION OF JURISDICTION B OF THE PERSONNEL CODE IN THE ABOVE MATTER?**

X. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

- **DISMISSED**

**DA-38-09**

Employee	Melissa Martinez	Appeal Date	05/06/09
Agency	DVA	Decision Date	11/18/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settled).

**DA-13-10**

Employee	Tierra S. English	Appeal Date	10/20/09
Agency	DHS	Decision Date	12/10/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed subject to Commission approval; settled.



**DA-17-10**

Employee	Natilie P. Myers	Appeal Date	11/05/09
Agency	DHS	Decision Date	12/08/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming, neglect of job duties, and excessive late time	Recommended Decision	Dismissed subject to Commission approval; default (no show at hearing)

**DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISIONS IN THE ABOVE MATTERS?**

XI. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

**AFTER REVIEW OF THE EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?**

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, January 15, 2010 at 11:00 a.m. in the Commission's Chicago office.**

XIV. MOTION TO ADJOURN